

From: [Garyg Miller](#)
To: [Sharon Parrish](#)
Cc: [Jim Herrington](#); [Stephen Tzhone](#); [Anne Foster](#); [Amy Salinas](#); [Carlos Sanchez](#); [Dwayne Patrick](#)
Subject: Re: Fw: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)
Date: 12/17/2012 09:01 AM

Sharon,

The document is releasable.

Regards,

Gary Miller
EPA Remedial Project Manager
(214) 665-8318
email: miller.garyg@epa.gov

▼ Sharon Parrish---12/13/2012 01:44:28 PM---I spoke with Felicity Dawson, Corps Galveston, this afternoon. If the remedial action is covered un

From: Sharon Parrish/R6/USEPA/US
To: Jim Herrington/R6/USEPA/US@EPA, Garyg Miller/R6/USEPA/US@EPA
Cc: Stephen Tzhone/R6/USEPA/US@EPA, Anne Foster/R6/USEPA/US@EPA
Date: 12/13/2012 01:44 PM
Subject: Re: Fw: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

I spoke with Felicity Dawson, Corps Galveston, this afternoon. If the remedial action is covered under CERCLA, neither a CWA Section 404 nor a RHA Section 10 permit is required. Also, if the mitigation plan or activity is covered under CERCLA, the Corps does not need to see/review this. Jim, see NWP 38. While mitigation is mentioned in the report, is it considered covered under CERCLA?

Felicity's attorneys would still like to see a clear response that the report is releasable or not. As far as the Wetlands Section is concerned, it is releasable.

▼ Stephen Tzhone---12/12/2012 04:34:48 PM---Here is 6WQ's question: Superfund may not be required to provide compensatory mitigation for loss o

From: Stephen Tzhone/R6/USEPA/US
To: Carlos Sanchez/R6/USEPA/US@EPA
Cc: Garyg Miller/R6/USEPA/US@EPA, Valmichael Leos/R6/USEPA/US@EPA, Anne Foster/R6/USEPA/US@EPA, Amy Salinas/R6/USEPA/US@EPA, Sharon Parrish/R6/USEPA/US@EPA, Jim Herrington/R6/USEPA/US@EPA
Date: 12/12/2012 04:34 PM
Subject: Re: Fw: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

Here is 6WQ's question: Superfund may not be required to provide compensatory



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mitigation for loss of wetland habitat?

Sharon had just sent it to me and I didn't know the answer so I forwarded it to the site team.

*The original USACE FOIA question should be resolved. USACE was cc on Anne's and Sharon's responses for that item and they did not send any further inquiries.

Thanks,

Stephen L. Tzhone
Federal Facilities Restoration and Reuse Office, USEPA
703.347.0329
tzhone.stephen@epa.gov

▼ Carlos Sanchez---12/12/2012 05:23:33 PM---What is the question. I believe the original request was for release of the report under a FOIA req

From: Carlos Sanchez/R6/USEPA/US
To: Stephen Tzhone/R6/USEPA/US@EPA
Cc: Garyg Miller/R6/USEPA/US@EPA, Valmichael Leos/R6/USEPA/US@EPA, Anne Foster/R6/USEPA/US@EPA, Amy Salinas/R6/USEPA/US@EPA
Date: 12/12/2012 05:23 PM
Subject: Re: Fw: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

What is the question. I believe the original request was for release of the report under a FOIA request. Based I what I read and understand, the report can be release, that is all we need to do at this time. CAS

Carlos A. Sanchez
Chief, AR/TX Section
Region 6, Superfund Division (6SF-RA)
sanchez.carlos@epa.gov
(214) 665-8507

▼ Stephen Tzhone---12/12/2012 04:17:07 PM---Hi Carlos, I'm forwarding a question from 6WQ.

From: Stephen Tzhone/R6/USEPA/US
To: Carlos Sanchez/R6/USEPA/US@EPA
Cc: Garyg Miller/R6/USEPA/US@EPA, Valmichael Leos/R6/USEPA/US@EPA, Anne Foster/R6/USEPA/US@EPA, Amy Salinas/R6/USEPA/US@EPA
Date: 12/12/2012 04:17 PM
Subject: Fw: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

Hi Carlos,

I'm forwarding a question from 6WQ.

Thanks,

Stephen L. Tzhone
Federal Facilities Restoration and Reuse Office, USEPA
703.347.0329
tzhone.stephen@epa.gov

▼ Sharon Parrish---12/12/2012 04:44:22 PM---See Jim's comment below. -----
Forwarded by Sharon Parrish/R6/USEPA/US on 12/12/2012 03:43 PM -----

From: Sharon Parrish/R6/USEPA/US
To: Stephen Tzhone/R6/USEPA/US@EPA
Date: 12/12/2012 04:44 PM
Subject: Fw: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

See Jim's comment below.

----- Forwarded by Sharon Parrish/R6/USEPA/US on 12/12/2012 03:43 PM -----

From: Jim Herrington/R6/USEPA/US
To: Sharon Parrish/R6/USEPA/US@EPA
Date: 12/12/2012 03:13 PM
Subject: Re: Fw: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

Hi Sharon,

The report looks good for 404(b)(1) analysis but the document did not consider compensatory mitigation for the loss of wetland vegetation due to armoring the site with gravel. Superfund may not be required to provide compensatory mitigation for loss of wetland habitat?

Thanks,
Jim

▼ Sharon Parrish---12/11/2012 02:31:59 PM---I think it is releasable, but we have never seen the document. Since it relates to the CWA 404(b)(1

From: Sharon Parrish/R6/USEPA/US
To: Anne Foster/R6/USEPA/US@EPA
Cc: Amy Salinas/R6/USEPA/US@EPA, Carlos Sanchez/R6/USEPA/US@EPA, Dwayne Patrick/R6/USEPA/US@EPA, "Dodson, Felicity A SWG" <Felicity.A.Dodson@usace.army.mil>, Garyg Miller/R6/USEPA/US@EPA, "Kelly, Robert K SWG" <Robert.K.Kelly@usace.army.mil>, Stephen Tzhone/R6/USEPA/US@EPA, Valmichael Leos/R6/USEPA/US@EPA, Jim Herrington/R6/USEPA/US@EPA
Date: 12/11/2012 02:31 PM
Subject: RE: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

I think it is releasable, but we have never seen the document. Since it relates to the CWA 404(b)(1) guidelines, we should look at it.

▼ Anne Foster---12/11/2012 01:00:36 PM---The draft appears to have been prepared by the PRPs, not EPA or its contractors, so it is releasable

From: Anne Foster/R6/USEPA/US
To: Stephen Tzhone/R6/USEPA/US@EPA
Cc: Amy Salinas/R6/USEPA/US@EPA, Carlos Sanchez/R6/USEPA/US@EPA, Dwayne Patrick/R6/USEPA/US@EPA, Garyg Miller/R6/USEPA/US@EPA, Sharon Parrish/R6/USEPA/US@EPA, Valmichael Leos/R6/USEPA/US@EPA, "Dodson, Felicity A SWG" <Felicity.A.Dodson@usace.army.mil>, "Kelly, Robert K SWG" <Robert.K.Kelly@usace.army.mil>
Date: 12/11/2012 01:00 PM
Subject: RE: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

The draft appears to have been prepared by the PRPs, not EPA or its contractors, so it is releasable (unless it somehow contains CBI). Most EPA drafts would also be releasable.

Thanks,

Anne

▼ Stephen Tzhone---12/11/2012 12:18:44 PM---Carlos, Sharon, Dwayne, I think the answer is yes since we've been sharing and releasing draft repor

From: Stephen Tzhone/R6/USEPA/US
To: Carlos Sanchez/R6/USEPA/US@EPA, Sharon Parrish/R6/USEPA/US@EPA, Dwayne Patrick/R6/USEPA/US@EPA
Cc: Garyg Miller/R6/USEPA/US@EPA, Valmichael Leos/R6/USEPA/US@EPA, Anne Foster/R6/USEPA/US@EPA, Amy Salinas/R6/USEPA/US@EPA, "Dodson, Felicity A SWG" <Felicity.A.Dodson@usace.army.mil>, "Kelly, Robert K SWG" <Robert.K.Kelly@usace.army.mil>
Date: 12/11/2012 12:18 PM
Subject: RE: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

Carlos, Sharon, Dwayne,

I think the answer is yes since we've been sharing and releasing draft reports on this site... but I wanted to check with you on this question since I'm not sure who is the ultimate FOIA authorizer.

The draft report USACE has (and is referring to in their question below) is the Draft Clean Water Act Section 404(b)(1) Evaluation that the PRPs submitted prior to the

TCRA, attached:

[attachment "San Jacinto Draft 404(b)(1) Evaluation 12 30 10.docx" deleted by Carlos Sanchez/R6/USEPA/US]

Please advise, USACE on cc.

Thanks,

Stephen L. Tzhone
Federal Facilities Restoration and Reuse Office, USEPA
703.347.0329
tzhone.stephen@epa.gov

▼ "Dodson, Felicity A SWG" ---12/11/2012 11:47:42 AM---Classification:
UNCLASSIFIED Caveats: NONE

From: "Dodson, Felicity A SWG" <Felicity.A.Dodson@usace.army.mil>
To: Stephen Tzhone/R6/USEPA/US@EPA
Cc: "Kelly, Robert K SWG" <Robert.K.Kelly@usace.army.mil>
Date: 12/11/2012 11:47 AM
Subject: RE: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Steve,

Checking in to see if you have been able to get an answer on this FOIA request.

Best regards,
Felicity

▼ "Dodson, Felicity A SWG" ---11/26/2012 03:19:21 PM---Classification:
UNCLASSIFIED Caveats: NONE

From: "Dodson, Felicity A SWG" <Felicity.A.Dodson@usace.army.mil>
To: Stephen Tzhone/R6/USEPA/US@EPA
Cc: "Kelly, Robert K SWG" <Robert.K.Kelly@usace.army.mil>
Date: 11/26/2012 03:19 PM
Subject: San Jacinto Waste Pits - FOIA request for release of EPA document (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Steve,

The Galveston District Corps recently received a FOIA request to release information related to the San Jacinto Waste Pit (SJWP) Superfund Site interagency efforts to streamline permitting in the area of the SJWP site. One of the documents in the workgroup file is a copy of the Draft Clean Water Act Section 404(b)(1) Evaluation of the SJWP site prepared for the EPA, by

Anchor QEA, LLC, on behalf of McGinnes Industrial Maintenance and International Paper Company. The report is dated December 2010. Because this is an EPA document, the Corps is requesting EPA's written permission to release the report.

Thank you for your attention to this request. Please call our FOIA officer, Kevin Kelly, at 409-766-3193, or call me at the phone number below, if you have any questions.

Best regards,
Felicity

Felicity A. Dodson
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Galveston, TX 77553-1229
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<http://www.swg.usace.army.mil/BusinessWithUs/RegulatoryBranch.aspx>

To assist us in improving our service to you, please complete the survey found at: <http://per2.nwp.usace.army.mil/survey.html>

Classification: UNCLASSIFIED
Caveats: NONE